

JAN 29 2013

PTO/SB/65 (03-09)

Approved for use through 03/31/2012. OMB 0651-0016

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION TO ACCEPT UNAVOIDABLY DELAYED PAYMENT OF
MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(b))**Docket Number (Optional)
0016-00011Mail to: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450
Fax: (571) 273-8300NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at
(571) 272-3282.Patent Number: 6,487,414Application Number: 09/636,044Issue Date: November 26, 2002Filing Date: August 10, 2000CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent
number (or reissue patent number, if a reissue) and (2) the application number of the actual
U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s)
is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

Also complete the following information, if applicable:

The above-identified patent:

01/31/2013 DALLEN 00000021 6487414

01 FC:1599

3600.00 OP

☐ is a reissue of original Patent No. _____ original issue date _____;
original application number _____
original filing date _____☐ resulted from the entry into the U.S. under 35 U.S.C. 371 of international application
_____ filed on _____**CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is

(1) being deposited with the United States Postal Service on the date shown below with sufficient postage as first class
mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-
1450 OR(2) transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-
8300.

January 29, 2013

Date

/s/ ralph p. albrecht

Signature

Ralph P. Albrecht, USPTO Reg. 43,466

Typed or printed name of person signing Certificate

[Page 1 of 4]

This collection of information is required by 37 CFR 1.378(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

JAN 29 2013

PTO/SB/65 (03-09)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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1. SMALL ENTITY

☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27

2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☒ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input type="checkbox"/> \$ _____	3 ½ yr fee	(1551)	<input type="checkbox"/> \$ _____	3 ½ yr fee	(2551)
<input checked="" type="checkbox"/> \$ <u>2,900.00</u>	7 ½ yr fee	(1552)	<input type="checkbox"/> \$ _____	7 ½ yr fee	(2552)
<input type="checkbox"/> \$ _____	11 ½ yr fee	(1553)	<input type="checkbox"/> \$ _____	11 ½ yr fee	(2553)

MAINTENANCE FEE BEING SUBMITTED \$ 2,900.00

4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(1) of \$ 700.00 (Fee Code 1557) must be paid as a condition of accepting unavoidably delayed payment of the maintenance fee.SURCHARGE FEE BEING SUBMITTED \$ 700.00

5. MANNER OF PAYMENT

- ☐ Enclosed is a check for the sum of \$ _____
- ☐ Please charge Deposit Account No. _____ the sum of \$ _____
- ☒ Payment by credit card. Form PTO-2038 is attached.

6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

☒ The Director is hereby authorized to charge any maintenance fee, surcharge or petition fee deficiency to Deposit Account No. credit card acct

2013 JAN 30 PM 2:41

PTO/SB/65 (03-09)

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

7. OVERPAYMENT

As to any overpayment made, please

☒ Credit to Deposit Account No. credit card account

OR

☒ Send refund check

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

8. SHOWING

The enclosed statement will show that the delay in timely payment of the maintenance fee was unavoidable since reasonable care was taken to ensure that the maintenance fee would be paid timely and that this petition is being filed promptly after the patentee was notified of, or otherwise became aware of, the expiration of the patent. The statement must enumerate the steps taken to ensure timely payment of the maintenance fee, the date and the manner in which the patentee became aware of the expiration of the patent, and the steps taken to file the petition promptly.

9. PETITIONER(S) REQUESTS THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED.

/s/ ralph p. albrecht

Signature(s) of Petitioner(s)

January 29, 2013

Date

Ralph P. Albrecht

Typed or printed name(s)

43,466

Registration Number, if applicable

ATFirm PLLC, 1701 Pennsylvania Ave., NW, Ste 300

Address

(202) 349-1490 (703) 304-0086

Telephone Number

Washington, DC 20006 USA

Address

ENCLOSURES:

- ☒ Maintenance Fee Payment
☒ Statement why maintenance fee was not paid timely
☒ Surcharge under 37 CFR 1.20(i)(1) (fee for filing the maintenance fee petition)
☒ Other:

Attchmt1 -1/14/13 Pair record reflecting corresd. addr.; Attchmt4-11/6/12 Instr to Colb to reviv;
 Attchmt2 -12/3/12 email notes incorrect petition deadline; Attchmt5- 12/20/12 email calculates-
 Attchmt3 -9/6/12 email notes incorrect petition deadline; petition was due 11/26/12;

[Page 3 of 4]

PTO/SB/65 (03-09)

Approved for use through 03/31/2012. OMB 0651-0016

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

/s ralph p. albrecht/

Signature

1/29/2013

Date

Ralph P. Albrecht

Type or printed name

43,466

Registration Number, if applicable

STATEMENT

(In the space below, please provide the showing of unavoidable delay recited in paragraph 8 above.)

Please see attached document with enumerated showing.

(Please attach additional sheets if additional space is needed)

[Page 4 of 4]

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Electronic Acknowledgement Receipt	
EFS ID:	14825362
Application Number:	09636044
International Application Number:	
Confirmation Number:	6487
Title of Invention:	SYSTEM AND METHOD FOR FREQUENCY PLANNING IN WIRELESS COMMUNICATION NETWORKS
First Named Inventor/Applicant Name:	Amos Tanay
Customer Number:	29858
Filer:	Ralph Philipp Albrecht
Filer Authorized By:	
Attorney Docket Number:	3757-1
Receipt Date:	29-JAN-2013
Filing Date:	10-AUG-2000
Time Stamp:	20:58:33
Application Type:	Utility under 35 USC 111(a)

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CENTRAL FAX CENTER
JAN 29 2013

Payment information:

Submitted with Payment	no				
File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Petition for review/processing depending on status	ptosb0065_0016_00011_01292013.pdf	289347 42d92d7645cd57ad341a05855d5e3fa518014b	no	5
Warnings:					
Information:					

2	Petition for review by the Office of Petitions.	Petition_to_Revive_0016_0001_1_fin_01292013.pdf	135270 276c30c29267570249e9f7deab52793808c0f3b3	no	8
Warnings:					
Information:					
3	Miscellaneous Incoming Letter	PetitionAttachment1.pdf	170046 31c2013e08c11b2927fda7bd6451b43c5b503c98	no	1
Warnings:					
Information:					
4	Miscellaneous Incoming Letter	PetitionAttachment2.pdf	107396 605276a4dcb6544054f4d13c29251d64680f25c5	no	1
Warnings:					
Information:					
5	Miscellaneous Incoming Letter	PetitionAttachment3.pdf	666235 414ddb327a8ae1597363837feb2692ca81b031e5	no	5
Warnings:					
Information:					
6	Miscellaneous Incoming Letter	PetitionAttachment4.pdf	704584 2d0b030e434151de271cc43e1335256f42b38050	no	5
Warnings:					
Information:					
7	Miscellaneous Incoming Letter	PetitionAttachment5.pdf	328317 e06dc8dc7fe12982a59d05e96568c63049377104	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			2401195		

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

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JAN 29 2013

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Atty. Docket No: 0016-00011 US

Tanay *et al.*

Art Unit: 2685

U.S. Patent No.: 6,487,414

Examiner: Urban, Edward F.

Issued: November 26, 2002

Confirmation No.: 6487

For: **SYSTEM AND METHOD FOR FREQUENCY
PLANNING IN WIRELESS COMMUNICATION
NETWORKS**

Customer No: 94979

PATENT TRADEMARK OFFICE

**PETITION TO REVIVE A PATENT FOR UNAVOIDABLY LATE PAYMENT OF
MAINTENANCE FEE UNDER 37 CFR § 1.138(b)**

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Patent Owner makes the following showing of the evidence of the facts leading to the unavoidably late payment of the maintenance fee being paid herewith:

1) The above-noted application became abandoned for failure to pay a timely and proper maintenance fee due on May 26, 2010, and lapsed on or about November 26, 2010. Despite reasonable efforts under the circumstances to track the maintenance fee due dates, the above patent was unavoidably abandoned. On information and belief, the original owner of the patent, Schema Ltd., of Tel Aviv, Israel, used Israeli Counsel Sanford Colb law offices ("Colb Office") whose counterpart US associated original attorneys of record were Brown Raysman Millstein Felder & Steiner LLP. Brown Raysman Millstein Felder & Steiner LLP, merged effective December 1, 2006, with Thelen Reid & Priest LLP, to form Thelen Reid Brown Raysman & Steiner LLP, which through a series of failed acquisitions, responsibility appears to have been ultimately assigned to

US Patent No. 6,487,414
Petition

Docket No.: 0016-00011 US

Nixon Peabody.¹ On information and belief, each of the successive US correspondent firms was responsible for tracking maintenance fee deadlines associated with the patent, and to communicate them to Colb Office, which was in turn, to communicate the deadlines to Schema Ltd. On information and belief, Schema did not receive a reminder of those deadlines. At all times, the patent owner Schema has intended to keep its patent in force, and intended to pay its fees timely. On information and belief, the maintenance fee was unavoidably not paid, despite commercially reasonable efforts to track the dates by the Colb Office, and counsel of record, to ensure such fees were timely paid. On information and belief, due at least in part to a typographical error in the correspondence address on the USPTO website, listing Nixon Peabody LLP, P.O. Box 60610, Palo Alo [sic], CA 94306, which should have noted 2 Palo Alto Square, 3000 El Camino Real, Suite 500, Palo *Alto*, CA 94306, or the post office box in Palo *Alto*, CA, and based on information and belief, any communication from the USPTO attempting to notify the patent owner of the failure to pay the maintenance fee, was also unintentionally and unavoidably not received by the Patent Owner, as there appears there was no communication of the failure to pay the maintenance fee received by the owner, and the maintenance fee was unavoidably not paid, despite commercially reasonable efforts to track the dates and to ensure such fees were timely paid.

2) On information and belief, the series of US law firms of record were responsible to track maintenance fee deadlines for the patent owner, as was the custom of patent owner Schema Ltd.. The series of US law firms responsible for tracking such deadlines, on information and belief, used commercially reasonable systems including docketing systems, to track the US maintenance fee

¹ Beginning in 2007, the firm Thelen Reid Brown Raysman & Steiner LLP experienced trouble integrating with Brown Raysman. By autumn 2008, the firm saw the departures of the three "name partners" from the Brown Raysman Steiner side. The firm shortened its name to Thelen LLP in August 2008. The firm lost almost 200 attorneys between merger and the October 2008 dissolution vote, including many important rainmakers and practice groups, who moved to various firms. In July 2008, the firm internally announced its intention to seek another merger partner to boost its headcount and stem the tide of partner defections. After merger discussions with East Coast firm Nixon Peabody failed, the firm began looking to shed practice groups and offices under the threat of dissolution. On October 28, 2008, the firm's partnership council recommended that the firm's partnership dissolve the firm. The firm's line of credit was cut off due to many partners departing the firm. In early November between 60 and 90 attorneys, from offices in San Francisco, Silicon Valley, New York, Los Angeles, Washington, D.C., and Shanghai, were reportedly hired by Nixon Peabody. On September 17, 2009, Thelen filed for Chapter 7 bankruptcy in the Southern District of New York, after the firm's only secured creditor, Citibank, was also no longer willing to advance funds for the cost of collection and to wind down operations. [Source: http://en.wikipedia.org/wiki/Thelen_LLP]

US Patent No. 6,487,414
Petition

Docket No.: 0016-00011 US

deadlines for tracking deadlines for payment of US maintenance fees, and such firms, all large US law firms, on information and belief, used industry standard electronic docketing databases from various well known vendors, in use by each respective firm, using industry reasonable efforts to track these deadlines. On information and belief, such deadlines were tracked and would normally result in reminders being sent to the patent owner Schema Ltd. to authorize the processing of payment of such fees. On information and belief, no reminders were received by the patent owner Schema Ltd. Further, despite the reasonable efforts to track the deadlines by the patent owner's series of law firms, the fee due November 26, 2010 was not paid. On information and belief, upon lapse of the patent for failure to pay the fee by the original deadline, a communication was presumably sent by the USPTO to the correspondence address of record, which unavoidably included a typographic error, noting "Palo Alo" rather than Palo *Alto*, and on information and belief, such lapse, and opportunity to revive, was unavoidably never communicated to the patent owner. Throughout the time period of the patent's term, including the time period beginning when the fee was not paid, throughout the time the fee the fee was not paid, through the time when it was recognized for the first time that the fee was not paid on or about September 2012, and up through the current time when the petition is being filed, the owner has not intended to abandon the patent.

3) On information and belief, in addition to the US based law firms responsible for tracking the deadlines, Israeli counsel Sanford Colb also tracked the deadlines for Schema Ltd. and despite reasonable and diligent efforts to track the maintenance fee deadlines, the fees were not paid timely, and the patent was found to be abandoned on or about September 4 of 2012.

4) On or about February 23, 2012, Schema Ltd. ("Schema") was acquired by TEOCO Ltd. ("TEOCO"). During investigation, on or about September of 2012, of updating the ownership status of the patent owner's assets, upon the acquisition of Schema by TEOCO, it was discovered that the maintenance fee for the US Patent had not been paid, and that the patent had lapsed both unavoidably and unintentionally for failure to pay the maintenance fee. Indeed throughout the acquisition process, the patent was presented by Schema to acquirer TEOCO Ltd., and the patent was believed by Schema to be valid, in force, unexpired, and enforceable, but unbeknownst to both patent owner and acquirer, the patent had expired/lapsed, unbeknownst to the patent owner,

US Patent No. 6,487,414
Petition

Docket No.: 0016-00011 US

unintentionally and unavoidably, due to failure to timely pay the maintenance fee for the reasons detailed above.

5) On or about September 4, 2012, on information and belief, the Israeli law firm of Sanford T. Colb & Co., Intellectual Property Law office ("Colb Office"), determined that the US patent had been unintentionally and unavoidably been abandoned. On September 5, 2012, representatives of the Colb Office contacted the law offices of Sughrue Mion PLLC, www.Sughrue.com, a US intellectual property law firm to determine options to revive the unintentionally and unavoidably abandoned patent. On September 6, 2012, it was determined by Colb Office that the patent could be revived for unintentional abandonment no later than December 27, 2012 [sic]. On information and belief, Colb Office failed to determine the correct deadline for reviving the unintentionally abandoned patent. Unfortunately, on information and belief, unbeknownst to all those involved at the time, the correct deadline was November 26, 2012, and the incorrectly calculated deadline of December 27, 2012 was then improperly docketed as a deadline to seek revival for unavoidable and unintentional delay by the counsel Colb office and its correspondent US counsel. The incorrect date of December 27, 2012 was unintentionally communicated by the Colb Office to the Israeli office of TEOCO LTD September 6, 2012.

6) Following the current patent owner TEOCO LTD.'s management decision to start the process of reviving the US Patent in approximately September 2012, on information and belief, TEOCO LTD. instructed the Colb Office on or about November 6, 2012, to prepare and file the above mentioned petition to revive for unintentional abandonment by failure to timely pay maintenance fee for patent.

7) On information and belief, based on a misunderstanding of the incorrectly calculated December 27, 2012 deadline to file a petition to revive for unintentional abandonment, the Colb Office unavoidably failed to prepare and submit the petition to revive timely, via its US correspondent firm Sughrue Mion, despite numerous reminders and requests of TEOCO personnel to the Colb Office to pursue revival.

8) On December 4, 2012, following various reminders from TEOCO, on information and belief, Colb Office sent TEOCO an e-mail confirming that they were dealing with the matter of filing the petition by the due date of December 27, 2012.

US Patent No. 6,487,414
Petition

Docket No.: 0016-00011 US

9) Notwithstanding the e-mail of (8), and additional reminders from TEOCO, on December 19, 2012, owner TEOCO discovered that the petition had not yet been filed by Colb Office, due to their technical errors. The Colb office then requested that their US associate William H. Mandir of Sughrue Mion PLLC, by a December 19, 2012 email communication, file the petition urgently.

10) On the following day, December 20, 2012, Colb Office again incorrectly confirmed that the due date was indeed December 27, 2012. However, later that day, the US Associate Sughrue Mion PLLC sent an e-mail stating that the petition could not be filed, since the due date was actually November 26, 2012. Colb Office later provided the following clarification: "the PTO's PAIR transaction history listing of the date that the patent expired has a clerical error – December 27, 2010 is listed instead of November 27, 2010. (The maintenance fees to pay screen correctly lists the date that the window closes at 11/26/2010.)" Thus, to do the errors by counsel in correctly calculating the due date to revive for unintentional abandonment, a petition to revive was not timely filed.

11) Upon further requests by TEOCO to Advisor Sanford Colb from Colb office for explanations, the Colb office communicated that the Colb Office resigned from the case, on or about December 2012.

12) On or about December 24, 2012, TEOCO communicated to the undersigned counsel, Ralph P. Albrecht of Albrecht Tousi & Farnum PLLC dba ATFirm, and requested a thorough review of the facts and preparation of a petition to revive under the above circumstances, as soon as possible. Despite the holiday season, the undersigned reviewed the facts and confirmed on December 25, 2012, that the date to revive for unintentionally delayed payment had run, and that the facts supporting unavoidable abandonment would have to be researched to determine whether the delayed payment of the maintenance fees for unavoidable delay could be demonstrated based on the facts of the case. From December 25, 2012, through January 25, 2013, despite the holiday season, the undersigned has gathered the above facts from the various international law firms involved in the unavoidably delayed payment, and provides the above, clear showing supporting this petition to revive the above patent for unavoidable abandonment.

US Patent No. 6,487,414
Petition

Docket No.: 0016-00011 US

As enumerated above, Patent Owner petitions to revive the above referenced US Patent 6,487,414 for unavoidably delayed payment of maintenance fee leading to the unavoidable abandonment, despite reasonable efforts undertaken by the Patent Owner(s) to have the deadlines tracked by Patent Counsel using industry commercially reasonable efforts using various docketing systems, and including electronic docketing systems of the respective firms responsible for tracking such deadlines, as detailed above. Despite such commercially reasonable efforts, the fees failed to be paid, unintentionally and unavoidably, from the time of failure of payment in late 2010, throughout the time including discovery of the error in September of 2012, and throughout the time up until the filing of this petition to revive in January 2013.

As noted in detail above, immediately upon learning of the failure to pay the maintenance fee, and the associated abandonment of the patent, the Patent Owner immediately sought with diligence to engage legal counsel to seek revival of this application, with all due urgency. The delay in paying the fees was unintentional and unavoidable from the beginning, and throughout the entire time of the application's abandonment, including upon discovery of the abandonment, and up until the filing of this petition.

The abandonment was both 1) unavoidable and 2) unintentional, however, at the present time only the former may be argued, despite diligent efforts by the Patent Owner to seek revival for both the unintentional and unavoidable late payment, and hereby authorize any such petition fees to be paid, immediately, via the undersigned's credit card, provided with this submission. Applicants and owner hereby petition to seek revival for unavoidable abandonment (and/or unintentional delay, if possible in this situation). Fees for such petition are included herewith.

Applicant respectfully submits that 37 C.F.R. § 1.378, including a section entitled, "Acceptance of delayed payment of maintenance fee in expired patent to reinstate patent" requires:

"(a) The Director may accept the payment of any maintenance fee due on a patent after expiration of the patent if, upon petition, the delay in payment of the maintenance fee is shown to the satisfaction of the Director to have been **unavoidable** (paragraph (b) of this section) or unintentional (paragraph (c) of this section) and if the **surcharge** required by § 1.20 (i) is paid as a condition of accepting payment of the maintenance fee. If the Director accepts payment of the maintenance fee upon petition, the patent shall be considered as not having expired, but will be subject to the conditions set forth in 35 U.S.C. 41 (c)(2).

US Patent No. 6,487,414
Petition

Docket No.: 0016-00011 US

(b) Any petition to accept an unavoidably delayed payment of a maintenance fee filed under paragraph (a) of this section must include:

(1) The required maintenance fee set forth in § 1.20 (e) through (g);

(2) The surcharge set forth in § 1.20 (i)(1); and

(3) A showing that the delay was unavoidable since reasonable care was taken to ensure that the maintenance fee would be paid timely and that the petition was filed promptly after the patentee was notified of, or otherwise became aware of, the expiration of the patent. The showing must enumerate the steps taken to ensure timely payment of the maintenance fee, the date and the manner in which patentee became aware of the expiration of the patent, and the steps taken to file the petition promptly.

...

(d) Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest. "

Such a showing above of (3) of section (b) is included herewith, as well as the amount of the maintenance fee of \$2,900.00, and the surcharge under 1.20(i)(1) of \$700.00, for a total of \$3,600.00. The showing of (3) appears above, and clearly shows how the entire delay in filing the required reply was unavoidable. The date of discovery of the unintentional and unavoidable abandonment was on or about September 2012, and diligence was undertaken to investigate and pursue the timely revival of this patent by preparation of the above petition to revive for unavoidable abandonment due to delayed payment of the hereby submitted maintenance fee.

It is respectfully submitted that all items in 37 CFR § 1.138(b) have been complied with, and notably that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.138(b) was unintentional and unavoidable. Accordingly, it is respectfully requested that the above noted patent application be revived at earliest convenience, and that any and all USPTO submissions be entered.

US Patent No. 6,487,414
Petition

Docket No.: 0016-00011 US

If there are any questions regarding this Petition to Revive, or if it is deemed that personal communication will expedite the matter, kindly do not hesitate to contact the undersigned.

Dated: January 29, 2013

Respectfully submitted,

By: /s ralph p. albrecht/

Ralph P. Albrecht
Registration No.: 43,466
Tel.: 202-349-1490
Facsimile: 202-318-8788
Albrecht Tousi & Farnum PLLC
1701 Pennsylvania Ave., NW, Suite 300
Washington, DC 20006



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09/636,044

SYSTEM AND METHOD FOR FREQUENCY PLANNING
IN WIRELESS COMMUNICATION NETWORKS

3757-1

Select New Cases	Application Data	Transaction History	Patent Term Adjustments	Continuity Data	Fees	Priority Documents	Address & Attorney/Agent
----------------------------------	----------------------------------	-------------------------------------	---	---------------------------------	----------------------	------------------------------------	--

Correspondence Address

Name:

Nixon Peabody LLP

Address:

PO BOX 60610
Palo Alto CA 94306

Customer Number:

Attorney/Agent Information

Reg #	Name	Phone
46554	Bhattacharya, Suvashis	415-913-4909
62107	Canning, Anthony	650-320-7700
50845	Hayes, Jennifer	650-320-7725
25885	Krebs, Robert	650-320-7700
44984	Ogden, Christopher	650-320-7700
31562	Ritchie, David	650-320-7700
42125	Schaub, John	650-320-7700
38745	Shami, Khaled	650-320-7700
45229	Wininger, Aaron	86-21-6841.1188 EX

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- Call the Patent Electronic Business Center at (866) 217-9197 (toll free) or e-mail EBC@uspto.gov for specific questions about Patent Application Information Retrieval (PAIR).
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Ralph P. Albrecht

From: Sanford T. Colb & Co. - Rehovot Office [colbpat@stc.co.il]
Sent: Monday, December 03, 2012 8:52 PM
To: Chorev, Dana
Cc: Charash-Cohen, Inbar
Subject: Our ref: 77352 - US Patent No. 6,487,414

Ms. Dana Chorev,
TEOCO LTD.,
7 Martin Gehl Street,
Kiryat Arie,
Petach Tikva 49512

Re: US Patent No. 6,487,414
SYSTEM AND METHOD FOR FREQUENCY PLANNING IN
WIRELESS COMMUNICATION NETWORKS
Our ref: 77352

Dear Ms. Chorev,

Further to our telephone conversation today, I confirm that we have received your payment on account for filing the petition to revive the above-referenced US patent by the due date of December 27, 2012 and are dealing with this matter.

Sincerely yours,

Marilyn Joseph
Sanford T. Colb & Co.

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Sanford T. Colb & Co.

Tel.: (972-8) 945-5122 MJ

Fax: (972-8) 949-1040 /945-4556

Ralph P. Albrecht

From: Sanford T. Colb & Co. - Rehovot Office [colbpat@stc.co.il]
Sent: Thursday, September 06, 2012 7:19 PM
To: Chorev, Dana
Cc: Charash-Cohen, Inbar
Subject: FW: Our ref: 45460 - Patent Inquiry

Follow Up Flag: Follow up
Flag Status: Flagged

Ms. Dana Chorev,
TEOCO LTD.,
Amal 12,
Park Afek,
Rosh Ha'ayin 48092

Re: Schema's US Patent No. 6,487,414
Expiration Date: 27 DEC 2010
Our ref: 45460

Dear Ms. Chorev,

Thank you for your e-mails of August 29 and September 5, 2012.

I am forwarding to you below the e-mail received from our US associate in response to our inquiry whether US Patent No. 6,487,414 can be revived.

Please note that the estimated cost of reinstating the patent, exclusive of attorneys' time, is US\$ 2,465.00. The deadline for filing a petition is **December 27, 2012**.

Sincerely yours,

Marilyn Joseph
Sanford T. Colb & Co.

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Tel.: (972-8) 945-5122 MJ

Fax: (972-8) 949-1040 /945-4556

-----Original Message-----

From: Sanford T. Colb & Co. - Rehovot Office
Sent: Wednesday, September 05, 2012 7:05 PM
To: Marilyn Joseph
Subject: FW: Our ref: 45460 - Patent Inquiry

From: Rosenberg, Jody [mailto:jrosenberg@sughrue.com]
Sent: Wednesday, September 05, 2012 5:31 PM
To: Sanford T. Colb & Co. - Rehovot Office
Cc: Mandir, William H.; Harmon, Gudrun B.
Subject: FW: Our ref: 45460 - Patent Inquiry

Dear Ms. Joseph,

Thank you for your email to Mr. Mandir regarding U.S. Patent 6,487,414. He is out of the office today travelling.

A patent can be reinstated within 24 months of expiration if the expiration was unintentional or unavoidable. A petition is filed along with the missed maintenance fee amount and a surcharge of \$1,640.00. Our fee to file the Petition is \$250.00. You would need to tell us whether the missed payment was unavoidable or unintentional. There may be more involved if the missed payment was unavoidable as there is typically a brief that is necessary and would require more attorney time. In that instance, an attorney's hourly rate would apply rather than the flat fee of \$250.00

If you have any further questions, please do not hesitate to contact us.

I've copied below the PTO rule regarding such matters:

37 CFR 1.378 Acceptance of delayed payment of maintenance fee in expired patent to reinstate patent.

(a) The Director may accept the payment of any maintenance fee due on a patent after expiration of the patent if, upon petition, the delay in payment of the maintenance fee is shown to the satisfaction of the Director to have been unavoidable (paragraph (b) of this section) or unintentional (paragraph (c) of this section) and if the surcharge required by § 1.20(i) is paid as a condition of accepting payment of the maintenance fee. If the Director accepts payment of the maintenance fee upon petition, the patent shall be considered as not having expired, but will be subject to the conditions set forth in 35 U.S.C. 41(c)(2).

(b) Any petition to accept an unavoidably delayed payment of a maintenance fee filed under paragraph (a) of this section must include:

(1) the required maintenance fee set forth in § 1.20 (e)-(g);

(2) the surcharge set forth in § 1.20(i)(1); and

(3) a showing that the delay was unavoidable since reasonable care was taken to ensure that the maintenance fee would be paid timely and that the petition was filed promptly after the patentee was notified of, or otherwise became aware of, the expiration of the patent. The showing must enumerate the steps taken to ensure timely payment of the maintenance fee, the date and the manner in which patentee became aware of the expiration of the patent, and the steps taken to file the petition promptly.

(c) Any petition to accept an unintentionally delayed payment of a maintenance fee filed under paragraph (a) of this section must be filed within twenty-four months after the six-month grace period provided in § 1.362(e) and must include:

(1) the required maintenance fee set forth in § 1.20 (e)-(g);

(2) the surcharge set forth in § 1.20(i)(2); and

(3) a statement that the delay in payment of the maintenance fee was unintentional.

(d) Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest.

(e) Reconsideration of a decision refusing to accept a maintenance fee upon petition filed pursuant to paragraph (a) of this section may be obtained by filing a petition for reconsideration within two months of, or such other time as set in the decision refusing to accept the delayed payment of the maintenance fee. Any such petition for reconsideration must be accompanied by the petition fee set forth in § 1.17(f). After the decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director. If the delayed payment of the maintenance fee is not accepted, the maintenance fee and the surcharge set forth in § 1.20(i) will be refunded following the decision on the petition for reconsideration, or after the expiration of the time for filing such a petition for reconsideration, if none is filed. Any petition fee under this section will not be refunded unless the refusal to accept and record the maintenance fee is determined to result from an error by the Patent and Trademark Office.

Best regards,

Jody Rosenberg on behalf of

William H. Mandir

From: "Sanford T. Colb & Co. - Rehovot Office" <colbpat@stc.co.il>

Date: September 4, 2012 8:13:26 AM CDT

To: "wmandir@sughrue.com" <wmandir@sughrue.com>

Subject: Our ref: 45460 - Patent Inquiry

William H. Mandir, Esq.,

SUGHRUE MION PLLC,

2100 Pennsylvania Avenue, NW,

Washington, DC 20037-3213

USA

Re: US Patent No. 6,487,414

Issued 26 NOV 2002

(Application No. 09/636,044)

SYSTEM AND METHOD FOR FREQUENCY PLANNING

IN WIRELESS COMMUNICATION NETWORKS

Our ref: 45460

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Dear Mr. Mandir,

The above-referenced patent expired on December 27, 2010 due to non-payment of the maintenance fee. Please let us know by return e-mail whether there is any way to pay the maintenance fee retroactively so that the US Patent will be reinstated.

Sincerely yours,

Marilyn Joseph

Sanford T. Colb & Co.

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Jody L. Rosenberg

Director of Operations

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jrosenberg@sughrue.com - www.sughrue.com



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JAN 29 2013

Ralph P. Albrecht

From: Bird, John M. [jbird@sughrue.com]
Sent: Thursday, December 20, 2012 4:35 PM
To: Sanford Colb; Chorev, Dana
Cc: Charash-Cohen, Inbar; Mandir, William H.; Rosenberg, Jody; Harmon, Gudrun B.
Subject: RE: URGENT!! - Re-instatement of US Patent 6,487,414 - Our previous ref.: 45460 Our current ref.: 77352 [IWOV-DCDOC1.FID970994]

Dear Sandy,

We're sorry to say that we could not file the petition based on unintentional delayed payment of a maintenance fee today because it is too late to file this petition.

The due date for filing a petition based on unintentional delayed payment of a maintenance fee is within 24 months of the 6 month grace period. 37 CFR 1.378(c) & MPEP 2590. Because US 6,487,414 issued on November 26, 2002, the grace period for paying the 7 1/2 year maintenance fee ended on November 26, 2012. Thus, a petition for unintentional delayed payment of a maintenance fee cannot now be filed. Although PAIR indicates that the patented expired on December 27, 2010, this is not the date that the 6 month grace period ends.

We would need to file a petition based on unavoidable delay. An unavoidable delay is a much higher standard and requires evidence of the steps taken to ensure that payment was timely made.

Please let us know if you would like us to act further with respect to the above referenced patent.

Best regards,
 John for Bill

From: Chorev, Dana [mailto:Dana.Chorev@teoco.com]
Sent: Thursday, December 20, 2012 11:56 AM
To: Harmon, Gudrun B.; Sanford Colb
Cc: Charash-Cohen, Inbar; Mandir, William H.; Bird, John M.; Rosenberg, Jody
Subject: RE: URGENT!! - Re-instatement of US Patent 6,487,414 - Our previous ref.: 45460 Our current ref.: 77352

,Hi Mr. Harmon

.As previously advised by your office, the due date is indeed December 27,2012

,Regards

Dana Chorev
 Legal Associate
 .TEOCO Ltd

[gharmon@sughrue.com] .Harmon, Gudrun B
 18:04 2012 דצמבר 20 יום חמישי
 אלי: Sanford Colb

Chorev, Dana; Charash-Cohen, Inbar; Mandir, William H.; Bird, John M.; Rosenberg, Jody :Cc
 RE: URGENT!! - Re-instatement of US Patent 6,487,414 - Our previous ref.: 45460 Our current ref.: 77352 :נושא

,Dear Mr. Colb

According to our records, the final .Mr. Mandir is looking into this matter, and we will prepare a petition shortly
 .Please advise if this is not correct .December 27, 2012 due date for filing such petition is

,Very truly yours
 Gudrun Harmon
 Assistant to William H. Mandir

[Sanford Colb [mailto:stodesk@stc.co.il] :From
 Thursday, December 20, 2012 5:59 AM :Sent
 .Mandir, William H.; Harmon, Gudrun B :To
 DANA.CHOREV@TEOCO.COM :Cc

RE: URGENT!! - Re-instatement of US Patent 6,487,414 - Our previous ref.: 45460 Our current :Subject
 ref.: 77352
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 .THE PERSON CC'D ON THIS EMAIL IMMEDIATELY

,THANKS
 SANDY

[mailto:Dana.Chorev@teoco.com] Chorev, Dana :From
 Thursday, December 20, 2012 12:49 PM :Sent
 Sanford Colb :To

FW: URGENT!! - Re-instatement of US Patent 6,487,414 - Our previous ref.: 45460 Our current :Subject
 ref.: 77352

.My direct phone number is 054-4233283. Please confirm acceptance of the below e-mail

Chorev, Dana :From
 Thursday, December 20, 2012 12:46 PM :Sent
 stodesk@stc.co.il :To

Charash-Cohen, Inbar :Cc
 RE: URGENT!! - Re-instatement of US Patent 6,487,414 - Our previous ref.: 45460 Our current :Subject
 ref.: 77352

,Hi Sanford

Please be advised that since Schema's management who was authorized to take such decision, was
 process, and therefore unintentionally failed to pay attention engaged at that time with the acquisitions
 In such circumstances, the decision to abandon the patent .to the need to pay the maintenance fees
 .was taken by an employee who was not authorized to do so

Please be advised that since the process was delayed to the last minute, we expect you to speed it so we
 .to renew this patent will not lose the opportunity

Dana

Ralph P. Albrecht

From: Chorev, Dana [Dana.Chorev@teoco.com]
Sent: Tuesday, November 06, 2012 1:04 AM
To: colbpat@stc.co.il
Subject: FW: Lapsed Patent

Hi Marilyn,

Following your e-mail below regarding the renewal of US Patent No. 6,487,414, please be informed that we decided to renew it. Can you please start the renewal process and let me know if you need anything from us?

I understand that the deadline for filing the petition is pretty close, so I would really appreciate your prompt response.

Thank you,

Dana

DANA CHOREV
Legal Associate
TEOCO Ltd.
c: +972 54 4233283
p: +972 3 926 9814
Dana.Chorev@teoco.com
www.teoco.com

From: Sanford T. Colb & Co. - Rehovot Office [<mailto:colbpat@stc.co.il>]
Sent: Friday, September 07, 2012 2:20 AM
To: Chorev, Dana
Cc: Inbar Charash-Cohen
Subject: FW: Our ref: 45460 - Patent Inquiry

Ms. Dana Chorev,
TEOCO LTD.,
Amal 12,
Park Afek,
Rosh Ha'ayin 48092

Re: Schema's US Patent No. 6,487,414
Expiration Date: 27 DEC 2010
Our ref: 45460

Dear Ms. Chorev,

Thank you for your e-mails of August 29 and September 5, 2012.

I am forwarding to you below the e-mail received from our US associate in response to our inquiry whether US Patent No. 6,487,414 can be revived.

Please note that the estimated cost of reinstating the patent, exclusive of attorneys' time, is US\$ 2,465.00. The deadline for filing a petition is **December 27, 2012**.

Sincerely yours,

Marilyn Joseph
Sanford T. Colb & Co.

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Sanford T. Colb & Co.

Tel.: (972-8) 945-5122 MJ

Fax: (972-8) 949-1040 /945-4556

-----Original Message-----

From: Sanford T. Colb & Co. - Rehovot Office

Sent: Wednesday, September 05, 2012 7:05 PM

To: Marilyn Joseph

Subject: FW: Our ref: 45460 - Patent Inquiry

From: Rosenberg, Jody [<mailto:jrosenberg@sughrue.com>]

Sent: Wednesday, September 05, 2012 5:31 PM

To: Sanford T. Colb & Co. - Rehovot Office

Cc: Mandir, William H.; Harmon, Gudrun B.

Subject: FW: Our ref: 45460 - Patent Inquiry

Dear Ms. Joseph,

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payment of the maintenance fee. If the Director accepts payment of the maintenance fee upon petition, the patent shall be considered as not having expired, but will be subject to the conditions set forth in 35 U.S.C. 41(c)(2).

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(1) the required maintenance fee set forth in § 1.20 (e)-(g);

(2) the surcharge set forth in § 1.20(i)(1); and

(3) a showing that the delay was unavoidable since reasonable care was taken to ensure that the maintenance fee would be paid timely and that the petition was filed promptly after the patentee was notified of, or otherwise became aware of, the expiration of the patent. The showing must enumerate the steps taken to ensure timely payment of the maintenance fee, the date and the manner in which patentee became aware of the expiration of the patent, and the steps taken to file the petition promptly.

(c) Any petition to accept an unintentionally delayed payment of a maintenance fee filed under paragraph (a) of this section must be filed within twenty-four months after the six-month grace period provided in § 1.362(e) and must include:

(1) the required maintenance fee set forth in § 1.20 (e)-(g);

(2) the surcharge set forth in § 1.20(i)(2); and

(3) a statement that the delay in payment of the maintenance fee was unintentional.

(d) Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest.

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Best regards,

Jody Rosenberg on behalf of

William H. Mandir

RECEIVED
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JAN 29 2013

From: "Sanford T. Colb & Co. - Rehovot Office" <colbpat@stc.co.il>
Date: September 4, 2012 8:13:26 AM CDT
To: "wmandir@sughrue.com" <wmandir@sughrue.com>
Subject: Our ref: 45460 - Patent Inquiry

William H. Mandir, Esq.,
SUGHRUE MION PLLC,
2100 Pennsylvania Avenue, NW,
Washington, DC 20037-3213
USA

Re: US Patent No. 6,487,414

Issued 26 NOV 2002

(Application No. 09/636,044)

SYSTEM AND METHOD FOR FREQUENCY PLANNING
IN WIRELESS COMMUNICATION NETWORKS

Our ref: 45460

Dear Mr. Mandir,

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Sincerely yours,

Marilyn Joseph

Sanford T. Colb & Co.

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Fax: (972-8) 949-1040 /945-4556

Jody L. Rosenberg

Director of Operations

Sughrue Mion, PLLC | 2100 Pennsylvania Ave., N. W. Washington, DC 20037 | Office: 202-663-7426 | Fax: 202-293-7860
jrosenberg@sughrue.com - www.sughrue.com



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